

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**United States of America, ex rel.  
Andrew Ellis, Harriet Ellis,**

**COURT FILE NO. 11-CV-416 PJS/TNL**

**Plaintiff,**

**vs.**

**DEFENDANT MINNEAPOLIS'  
MOTION TO DISMISS**

**City of Minneapolis, a municipal  
corporation; City of St. Paul, a  
municipal corporation; Metropolitan  
Council (community development entity  
and/or consortium Twin Cities metro  
region) each as an entity requesting and  
receiving and/or supervising HUD  
CDBG, HOME and other federal funds,  
John and Jane Does; individually,  
jointly and severally;**

**Defendant**

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Defendant City of Minneapolis hereby moves the Court for an order dismissing Relator Ellis' Second Amended Complaint against it for failure to state a claim upon which relief may be granted, or, in the alternative, granting summary judgment on the following grounds:

1. The First Amended Complaint fails to state a claim upon which relief can be granted against the Defendant; and
2. This Court lacks jurisdiction over this matter;

This motion is made pursuant to Fed. R. Civ. P. 12 and/or Rule 56 in the alternative, and is based upon all files, records and proceedings herein, including Defendant's memorandum of law and/or other documents which will be timely filed within the time frames established by this Court's Local Rules.

Dated: 10-16-2013

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By  
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